

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

EXPLORICA, INC.,

Plaintiff,

v.

ELDERHOSTEL, INC.  
d/b/a/ EXPLORITAS, ,

Defendant.

Civil Action No. 09-11719-RGS

**EXHIBIT LISTS**

Pursuant to the Court's January 26, 2010 Order, Plaintiff Explorica, Inc. ("Explorica") and Defendant Elderhostel, Inc. d/b/a Exploritas ("Elderhostel") hereby submit the following "Joint List of Exhibits" and "List of Exhibits to be Offered at Trial. Explorica and Elderhostel (collectively, "the Parties") reserve the right to supplement and amend these lists. The Parties further reserve the right to offer as evidence additional documents as needed for rebuttal. Finally, the Parties reserve the right to introduce any exhibit appearing on the opposing party's list of exhibits to be offered at trial. The Parties further state that they reserve the right to supplement these objections.

## **JOINT LIST OF EXHIBITS**

<b>TRIAL EXHIBIT NO.</b>	<b>DEP. EXHIBIT NO.</b>	<b>BATES NO.</b>		<b>DESCRIPTION OF EXHIBITS</b>	<b>DATE</b>
1				Five Explorica catalogs, copies of which were produced by Explorica on Feb. 3, 2010	
2				Eight Exploritas catalogs, copies of which were produced by Elderhostel on Feb. 3, 2010	
3				Explorica's federal registration for the EXPLORICA Mark, US Regis. No. 2,732,669	
4				Explorica's registration for the EXPLORICA Mark with the Comm. of MA, Reg. No. 65038	
5				Brochure for Explorica Family Tours (Olsson Dec. Ex. E)	
6				Brochure for Espiritour (Olsson Dec. Ex. F)	
7		EXPLORICA_001094	EXPLORICA_001172	Explorica – The Product	
8		EXPLORICA_000337	EXPLORICA_000435	Strategy Plan Explorica 2008-2010	
9		EXPLORICA_001259	EXPLORICA_001365	Explorica Strategic Quantification 2010-2012	
10		EH005285	EH005285	The History of Elderhostel, Inc. and Exploritas	
11				Exploritas Fact Sheet (Jones. Dec. I, Ex. C)	
12		EH015402	EH015402	Elderhostel Corporate Structure Chart	
13	Moses 18	EH009021	EH009089	Brand Equity Oct. 18, 2007 Power Point Presentation	10/18/2007
14	Smith 10			Brand Equity Name Development, Nov. 29, 2007 Power Point Presentation	11/29/2007
15	Moses 19	EH009090	EH009155	Brand Equity Name Development Round 2, Dec 14, 2007 Power Point Presentation	12/14/2007
16	Moses 20	EH008878	EH008918	Elderhostel Slide Deck for January 25, 2008 Board Meeting	01/25/2008
17		EH016890	EH016904	Elderhostel, Inc.: Name Development, Corporate Identity and Branding Architecture Program	05/15/2007
18				Elderhostel Press Release (Jones Decl. I, Ex. M)	
19				“Elderhostel, Inc. Invites New Generation of Lifelong Learners to Explore the World” (Jones Dec. I, Ex. N)	
20		EH012984	EH013005	Becoming Exploritas: Advisor Communication Guide	
21		EH005132	EH005145	Email re Exploritas Communication Guide and attachment	
22		EH016398	EH016402	Letter from MS&L to Spiers	
23		EXPLORICA_004301; EXPLORICA_004302; EXPLORICA_004305;		Compilation of email communications between JoAnn Bell and Olle Olsson	

		EXPLORICA_004306; EXPLORICA_004309-004310; EXPLORICA_004311; EXPLORICA_004322; EXPLORICA_004324-004325			
24	Moses 36	EXPLORICA_000036	EXPLORICA_000036	Email from Bell to Keller re Exploritas Staff Attending Conference	
25		EXPLORICA_004726	EXPLORICA_005468	Compilation of Explorica and Exploritas Tour Itineraries	
26		Various documents with EXPLORICA_ bates stamp <sup>1</sup>		Collection of Explorica Tour Price Quotes for adult tours	
27				NAU Exploritas "Rafting the Grand Canyon" Intergenerational, available at <a href="http://www.youtube.com/watch?v=7T9NDabW1ck">http://www.youtube.com/watch?v=7T9NDabW1ck</a>	
28				Intergenerational Elderhostel with the Land for Learning Institute, available at <a href="http://www.youtube.com/watch?v=9p5scUqJ6iY&amp;feature=related">http://www.youtube.com/watch?v=9p5scUqJ6iY&amp;feature=related</a>	
29				Living Museum Part 1, available at <a href="http://www.youtube.com/watch?v=boJbNINbIIA&amp;feature=related">http://www.youtube.com/watch?v=boJbNINbIIA&amp;feature=related</a>	
30				Living Museum Part 2 available at <a href="http://www.youtube.com/watch?v=ZjNE6tN-tyk">http://www.youtube.com/watch?v=ZjNE6tN-tyk</a>	
31				Sagamore Part 1, available at <a href="http://www.youtube.com/watch?v=mbebcvM5-qw">http://www.youtube.com/watch?v=mbebcvM5-qw</a>	
32		EXPLORICA_006640; EXPLORICA_006641; EXPLORICA_006642; EXPLORICA_006643; EXPLORICA_006644		Compilation of documents representing Espiritour tours Price Quotes	
33		EH017288	EH017351	Sample Explorica catalog (Mann Dec. Ex.	

<sup>1</sup> EXPLORICA\_006503; EXPLORICA\_006507; EXPLORICA\_006510; EXPLORICA\_006511; EXPLORICA\_006514; EXPLORICA\_006515; EXPLORICA\_006518; EXPLORICA\_006519; EXPLORICA\_006520; EXPLORICA\_006521; EXPLORICA\_006522; EXPLORICA\_006523; EXPLORICA\_006524; EXPLORICA\_006525; EXPLORICA\_006526; EXPLORICA\_006527; EXPLORICA\_006528; EXPLORICA\_006530; EXPLORICA\_006531; EXPLORICA\_006533; EXPLORICA\_006534; EXPLORICA\_006535; EXPLORICA\_006542; EXPLORICA\_006543; EXPLORICA\_006544; EXPLORICA\_006546; EXPLORICA\_006548; EXPLORICA\_006551; EXPLORICA\_006553; EXPLORICA\_006555; EXPLORICA\_006557; EXPLORICA\_006558; EXPLORICA\_006559; EXPLORICA\_006560; EXPLORICA\_006562; EXPLORICA\_006563; EXPLORICA\_006564; EXPLORICA\_006565; EXPLORICA\_006568; EXPLORICA\_006570; EXPLORICA\_006572; EXPLORICA\_006573; EXPLORICA\_006576; EXPLORICA\_006577; EXPLORICA\_006579; EXPLORICA\_006580; EXPLORICA\_006582; EXPLORICA\_006584; EXPLORICA\_006586; EXPLORICA\_006587; EXPLORICA\_006588; EXPLORICA\_006591; EXPLORICA\_006592; EXPLORICA\_006593; EXPLORICA\_006597; EXPLORICA\_006598; EXPLORICA\_006599; EXPLORICA\_006601; EXPLORICA\_006602; EXPLORICA\_006603; EXPLORICA\_006605; EXPLORICA\_006608; EXPLORICA\_006609; EXPLORICA\_006613; EXPLORICA\_006615; EXPLORICA\_006617; EXPLORICA\_006621; EXPLORICA\_006622; EXPLORICA\_006624; EXPLORICA\_006625; EXPLORICA\_006626; EXPLORICA\_006628; EXPLORICA\_006629; EXPLORICA\_006631; EXPLORICA\_006634; EXPLORICA\_006637; EXPLORICA\_006638; EXPLORICA\_006639; and EXPLORICA\_006650.

				A)	
34		EH017352	EH017368	Sample Explorica mini-brochure (Mann Dec. Ex. B)	
35		EH017369	EH017373	Sample Explorica "advertorial" insert from Travel New England (Mann Dec. Ex. C) (see also EXPLORICA_001743-1746)	
36		EH017374	EH017375	Sample Explorica fliers sent via mail (Mann Dec. Ex. D)	
37		EH017376	EH017378	Sample Explorica fliers sent via mail (Mann Dec. Ex. E)	
38		EH017379	EH017381	Sample Explorica fliers sent via mail (Mann Dec. Ex. F)	
39		EH017382	EH017384	Sample Explorica fliers sent via mail (Mann Dec. Ex. G)	
40		EH017385	EH017387	Sample Explorica fliers sent via mail (Mann Dec. Ex. H)	
41		EH017388	EH017390	Sample Explorica postcards sent via mail (Mann Dec. Ex. I)	
42		EH017391	EH017392	Sample Explorica postcards sent via mail (Mann Dec. Ex. J)	
43		EH017393	EH017394	Sample Explorica postcards sent via mail (Mann Dec. Ex. K)	
44		EH017395	EH017396	Sample Explorica postcards sent via mail (Mann Dec. Ex. L)	
45		EH017397	EH017398	Sample Explorica postcards sent via mail (Mann Dec. Ex. M)	
46		MS&L000101	MS&L000108	Exploritas Name Change Results Overview	11/13/2009
47		EH000001	EH000001	Elderhostel's brochures under Exploritas	
48		EH000025	EH000026	Timeline of Name Announcement	
49		EH000043	EH000052	Branding Initiative Progress Report, from the President's Reprt, Full Board Meeting	05/15/2008
50		EH000062	EH000066	Branding Transition Plan and Timetable, from the President's Report, Full Board Meeting	05/15/2008
51		EH000385	EH000391	FAQ's for Call Center	
52		EH000829	EH000834	Competitive Analysis	
53		EH001086	EH001094	President's Report	10/00/2008
54		EH001101	EH001109	Elderhostel Performance Results for Strategic Objectives 2009	
55		EH001166	EH001168	Elderhostel's Brand Identity Process: The Timeline (2002 - 2008)	
56		EH001263	EH001264	Email from JoAnn Bell to Kristin Moore, re: the intergenerational program insert into the October catalog	08/10/2009
57		EH001320	EH001320	Email from Olle Olsson to JoAnn Bell re Logan Airport News Advertorial, Bell's niece, and resume	05/01/2008
58		EH001367	EH001367	Email from JoAnn Bell to Olle Olsson re Wyndham Hotels	07/01/2008
59		EH002691	EH002731	Exploritas Brand Guide	04/13/2009
60		EH003336	EH003336	Email from McGovern to Senior Staff re: Senior Staff Discussion	03/21/2008
61		EH004080	EH004094	Document entitled, A New Era of Leadership	
62		EH005069	EH005081	Exploritas Communications Guide	01/28/2009

63		EH005082	EH005082	Exploritas Marketing Doc - Foundation of Elderhostel (House Structure)	
64		EH006165	EH006167	Elderhostel's Brand Identity Process (DRAFT)	01/00/2008
65	Moses 11	EH006881	EH006908	Elderhostel Strategic Plan 2006-2010	
66		EH009018	EH009018	Conference Spreadsheet	
67		EH009867	EH009868	Email from Smith to Spiers re: feedback on the Brand Identity Guide	02/27/2009
68		EH009939	EH009939	Email from Smith to Spiers re: Brand Guide	04/13/2009
69		EH009940	EH009980	Exploritas Brand Identity Guide	04/13/2009
70		EH011543	EH011565	Email from Giller to Spiers attaching Exploritas Training Guide	03/31/2009
71		EH012984	EH013005	Exploritas document entitled, Becoming Exploritas: Advisor Communication Guide	05/00/2009
72		EH017254	EH017255	Explorica receipt re Learning Later Link	09/03/2009
73		EH017443	EH017445	Explorica Brochure pages (EH017443-017445)	
74		EH017446	EH017452)	Espiritour Brochure	
75		EXPLORICA_000337	EXPLORICA_000435	Explorica Strategy Plan 2008-2010	04/09/2008
76	Poulin 14	EXPLORICA_000580	EXPLORICA_000582	Brainstorming Session	
77		EXPLORICA_000595	EXPLORICA_000596	Explorica Roster Log	
78		EXPLORICA_001259	EXPLORICA_001363	Explorica Strategic Quantification 2010-2012	
79		EXPLORICA_001729	EXPLORICA_001730	Espiritour Brochure	
80		EXPLORICA_001732	EXPLORICA_001733	Explorica Family Tours Brochure	
81		EXPLORICA_001742	EXPLORICA_001746	Email from Poulin re advertorial in Travel New England and attached Advertorial	03/27/2007
82		EXPLORICA_004330	EXPLORICA_004332	Email from Bromberger to Kirkman and Cestari re Adult Trips	03/11/2008
83		EXPLORICA_006945	EXPLORICA_006945	Explorica Tour Code Key	
84				Educational Travel   Leading your First Tour   Explorica, available at <a href="http://www.youtube.com/watch?v=cOOmps ky6y0">http://www.youtube.com/watch?v=cOOmps ky6y0</a>	
85				Explorica Costa Rica 2007, available at <a href="http://www.youtube.com/watch?v=j55HMf 0LFkE">http://www.youtube.com/watch?v=j55HMf 0LFkE</a>	
86				London / Paris Explorica Trip, available at <a href="http://www.youtube.com/watch?v=Ebh4CC Pc8qo">http://www.youtube.com/watch?v=Ebh4CC Pc8qo</a>	
87				Grandparents' singing tribute to Elderhostel Intergenerational Arizona Trip #2520, available at <a href="http://www.youtube.com/watch?v=_oBDO Qs9NI0">http://www.youtube.com/watch?v=_oBDO Qs9NI0</a>	
88		EH001812	EH001813	Email from Faucher to bunbury11@roadrunner.com	09/28/2009
89		EH005866	EH005866	Q&A – Age Messaging	09/23/2009
90		EH006971	EH006972	Exploritas document entitled, A few	

				thoughts on our age policy	
91		EH011481	EH011502	President's Report May 2009	05/14/2009
92		EH012981	EH012981	Document entitled, How to Handle the Exploritas Age Question	
93		EH013006	EH013007	A few thoughts on our age policy	09/25/2009
94		EH017219	EH017219	USPTO Trademark Registration No. 3,729,057 for Exploritas <sup>2</sup>	
95		EH017256	EH017256	Espiritour website	
96		EH017257	EH017258	Explorica.com Parents Website	
97		EH017264	EH017265	Explorica.com Teachers page	
98		EH017266	EH017267	Explorica.com Students page	
99		EH017268	EH017276	Exploritas.com Domestic page	
100		EH017277	EH017287	Exploritas International page	
101		EH017399	EH017400	Explorica Spider Picture	
102		EH017416	EH017416	Explorica Amsterdam and Paris page	
103		EH017419	EH017420	Explorica Amsterdam and Paris website page	
104		EH017421	EH017421	Explorica Instant Tour Customizer website page	
105		EH017422	EH017422	Explorica.ca website page	
106		EH017423	EH017423	Explorica parents website page	
107		EH017424	EH017424	Explorica students website page	
108		EH017425	EH017425	Explorica Amsterdam and Paris website page	
109		EH017426	EH017426	Explorica teachers website page	
110		EH017427	EH017427	Explorica website page	
111		EH017428	EH017428	Explorica family tours website page (server not found error)	
112		EH017434	EH017434	Exploritas website page	
113		EH005785	EH005788	Email from Beudoin to Spiers re Elderhostel News Embargo dated	05/29/2009
114		EH002769	EH002270	Email from Spiers to Moses re 55 age qualification	06/09/2009
115		EH001097	EH001100	Elderhostel's Strategic Objectives 2010	
116		EH012938	EH012946	Elderhostel Marketing Expense since 2000	
117		EH012947	EH012947	Elderhostel chart regarding marketing campaigns	
118		EH016316	EH016321	Active and Completed Campaigns since 9/1/2009	
119		EH012935	EH0012937	Elderhostel's marketing in publications	
120				List of Google keywords purchased by Elderhostel (Jones Dece. II, Ex. JJ)	
121		MS&L000014	MS&L000042	An Exploration & Evolution in Messaging	
122		MS&L000055	MS&L000070	Exploritas Communications Guide	
123					
124					
125		EXPLORICA_000121	EXPLORICA_000140	Explorica Inc. PowerPoint Presentation	
126		EXPLORICA_000162	EXPLORICA_000185	Explorica Student Travel and Learning Portal Business Plan, dated Summer 2005	
127		EXPLORICA_	EXPLORICA_	Strategy Plan Explorica 2008-2010 Board	04/09/2008

<sup>2</sup> EH017252 is a duplicate.

		000220	000336	Presentation	
128		EXPLORICA_ 000604	EXPLORICA_ 000678	Explorica Board Meeting	08/25/2009
129		EXPLORICA_ 000679	EXPLORICA_ 000789	Explorica Board Meeting	06/17/2009
130		EXPLORICA_ 000790	EXPLORICA_ 000834	Explorica Board Meeting	03/11/2009
131		EXPLORICA_ 000872	EXPLORICA_ 000930	Explorica Management Meeting	07/01/2009
132		EXPLORICA_ 000931	EXPLORICA_ 001072	Explorica document entitled Brief Update - 2008 and 2009	
133		EXPLORICA_ 001073	EXPLORICA_ 001087	Explorica Market Research and Opportunities	01/08/2007
134		EXPLORICA_ 001173	EXPLORICA_ 001258	Explorica Strategy Plan	
135		EXPLORICA_ 001632	EXPLORICA_ 001728	Sales and Marketing 2.0	01/15/2007
136		EXPLORICA_ 001806	EXPLORICA_ 001806	Email from Poulin to Hoffman re: Sub- Brands	07/10/2008
137		EXPLORICA_ 001854	EXPLORICA_ 001871	Espiritour Faith Based Program 2008 Spring Kickoff Presentation,	01/14/2008
138		EXPLORICA_ 001872	EXPLORICA_ 001885	Espiritour Pastor Reinard's Espritour: Apostle Paul - Life and Ministry	
139		EXPLORICA_ 002002	EXPLORICA_ 002002	Email from Poulin to Cestari re: family tours brochure	04/17/2007
140		EXPLORICA_ 002070	EXPLORICA_ 002090	Explorica Unique Selling Proposition Study Results	03/30/2009
141		EXPLORICA_ 002091	EXPLORICA_ 002115	Response Rates Chart	
142		EXPLORICA_ 002116	EXPLORICA_ 002141	Explorica 2010 Product Development Presentation	
143		EXPLORICA_ 004305	EXPLORICA_ 004305	Email from Bell to Olsson re: Wyndham Hotels, dated 07/01/2008	
144		EXPLORICA_ 004309	EXPLORICA_ 004310	Email from Bell to Olsson re: Explorica's New Premium Tours, dated 09/19/2006	
145		EXPLORICA_ 004377	EXPLORICA_ 004379	Email from Cestari to Poulin re: Naming	04/10/2006
146		EXPLORICA_ 006945	EXPLORICA_ 006945	Explorica Tour Code Descriptions	
147		EXPLORICA_ 006949	EXPLORICA_ 006976	Explorica Creative Strategy presentation	04/07/2009
148				Explorica's pending federal trademark application for the E Design Mark (Jones Dec. I, Ex. U)	
149	Bell 1	EH001921	EH001933	Email from Bell to Lembke re Brand Force Task meeting and attaching Explortias Communication Guide	01/14/2008
150	Bell 2	EH000277	EH000277	Email from Spiers to Moses re "real age" calculator	03/08/2009
151	Bell 3	EH002624	EH002630	Email from Giller to Moses, Spiers, and Lembke attaching meeting notes and list of Elderhostel interviewees	09/20/2007
152	Smith 1	EH005155	EH005159	Email from Smith to Spiers re ID guide and attached QA for ID Guide	02/25/2009
153	Smith 7	EH002600	EH002601	Email from Nathan Ho regarding Brand	06/14/2007

				Equity interviews	
154	Smith 13	EH005132	EH005145	Email from Giller to Spiers attaching Exploritas Communication Guide	02/06/2009
155	Smith 15	EH005169	EH005173	Email from Giller to Spiers attaching Brand Training Outline	02/21/2009



## **LIST OF EXHIBITS TO BE OFFERED AT TRIAL**

### **PLAINTIFF EXPLORICA'S EXHIBITS TO BE OFFERED AT TRIAL**

- A) List of Explorica's registrations of the EXPLORICA Mark in foreign jurisdictions (Jones Dec. I, Ex. V)
- B) Singapore Explorica Trademark Certificate (EXPLORICA\_005626-000527)
- C) Australia Explorica Trademark Certificate (EXPLORICA\_005485)
- D) Canada Explorica Trademark Certificate (EXPLORICA\_005495-00005498)
- E) Chile Explorica Trademark Certificate (EXPLORICA\_005514)
- F) European Community Explorica Trademark Certificate (EXPLORICA\_005531-005538)
- G) Hungary Explorica Trademark Certificate (EXPLORICA\_005586-005587)
- H) Indonesia Explorica Trademark Certificate (EXPLORICA\_005604-005609)
- I) Mexico class 39 Explorica Trademark Certificate (EXPLORICA\_005612)
- J) Mexico class 42 Explorica Trademark Certificate (EXPLORICA\_005613)
- K) New Zealand Explorica Trademark Certificate (EXPLORICA\_005618)
- L) Korea Explorica Trademark Certificate (EXPLORICA\_005637-005640)
- M) Thailand Explorica Trademark Certificate (EXPLORICA\_005668-005669)
- N) Taiwan Explorica Trademark Certificate (EXPLORICA\_005653)
- O) Explorica's World Intellectual Property Organization Trademark Registration (EXPLORICA\_007015)
- P) Argentina Explorica Trademark Certificate (EXPLORICA\_007000-007003)
- Q) Hong Kong Explorica Trademark Certificate (EXPLORICA\_005557)
- R) Explorica Employee Handbook (EXPLORICA\_005861-005900)
- S) Explorica Website available at [www.explorica.com](http://www.explorica.com) in the form of an electronic copy of certain pages from website as they existed on a specific capture date, accompanied by certain other links within the website as they existed on that same date and capable of simulated web interaction. Folders containing electronic copies of these website pages and screenshots of website pages shall be produced by Friday, February 12, 2010.)

- T) Espiritour Website available at [www.espiritour.com](http://www.espiritour.com) in the form of an electronic copy of certain pages from website as they existed on a specific capture date, accompanied by certain other links within the website as they existed on that same date and capable of simulated web interaction. Folders containing electronic copies of these website pages and screenshots of website pages shall be produced by Friday, February 12, 2010.)
- U) Exploritas Website available at [www.exploritas.com](http://www.exploritas.com) in the form of an electronic copy of certain pages from website as they existed on a specific capture date, accompanied by certain other links within the website as they existed on that same date and capable of simulated web interaction. Folders containing electronic copies of these website pages and screenshots of website pages shall be produced by Friday, February 12, 2010.)
- V) Record of Communication for Kestrel Dunn (EXPLORICA\_007016-007017)
- W) Information Request from Judy Kieca, December 10, 2009 (EXPLORICA\_002180)
- X) Screenshot: Natalie Schultz contact information (EXPLORICA\_006712)
- Y) Scan of envelope addressed to Exploritas from NW Discoveries (EXPLORICA\_006713)
- Z) Email and attachment from Lufthansa Airlines (EXPLORICA\_006714-006717)
- AA) Info Request from Anne Kass, December 22, 2009 (EXPLORICA\_006718)
- AB) Natalie Schutz email, January 7, 2010 (EXPLORICA\_006719-006720)
- AC) Email to Mr. Cosse (Cosse Ex. 5) (EXPLORICA\_004198)
- AD) Sample Blog Roll (Olsson Dec. Ex. J)
- AE) Google Search results for "educational travel" (Olsson Dec. Ex. K)
- AF) ZoomInfo Search results for "educational travel" (Olsson Dec. Ex. L)
- AG) Adventure Tour List (Olsson Dec. Ex. H)
- AH) "Learning Later, Living Greater" (Olsson Dec. Ex. I)
- AI) Spreadsheet of inquiries made to Explorica concerning adult tours (EXPLORICA\_006721-006889)
- AJ) Compilation of emails regarding adult tours (EXPLORICA\_000009; EXPLORICA\_000010; EXPLORICA\_000012; EXPLORICA\_000013-000014; EXPLORICA\_000015; EXPLORICA\_000016; EXPLORICA\_000017; EXPLORICA\_000020-000021; EXPLORICA\_000023; EXPLORICA\_000024-000025; EXPLORICA\_000026; EXPLORICA\_000031; EXPLORICA\_001446-001447; EXPLORICA\_001481-001483; EXPLORICA\_001424; EXPLORICA\_002048; EXPLORICA\_003334; EXPLORICA\_003342; EXPLORICA\_003810-003811; EXPLORICA\_003821-003822; EXPLORICA\_003823; EXPLORICA\_004338-004341; EXPLORICA\_004383; EXPLORICA\_004398-004401;

EXPLORICA\_004411; EXPLORICA\_004447; EXPLORICA\_004448-004450;  
EXPLORICA\_004452; EXPLORICA\_004477-004479; EXPLORICA\_004513;  
EXPLORICA\_004520; and EXPLORICA\_004569)

AK) Compilation of documents regarding adult tours (Jones Dec. II, Ex. Z)  
(EXPLORICA\_000027-000028; EXPLORICA\_000029; EXPLORICA\_000576;  
EXPLORICA\_000577; EXPLORICA\_000578; EXPLORICA\_000594; EXPLORICA\_000595-  
000596; EXPLORICA\_000597; EXPLORICA\_001605; EXPORICA\_004133-004134)

AL) Fed. R. Evid. 1006 Summary Exhibit from EXPLORICA\_006946

AM) Email concerning Family Tours (EXPLORICA\_002007-002009)

AN) Elderhostel's 2008 Annual Report from [www.exploritas.com](http://www.exploritas.com) (Jones Dec. I, Ex. R; Spiers  
Ex. 9)

AO) Better Business Bureau report on Elderhostel: [www.bbb.org/charity-  
reviews/national/education-and-literacy/elderhostel-in-boston-ma-643](http://www.bbb.org/charity-reviews/national/education-and-literacy/elderhostel-in-boston-ma-643)

AP) Email re: fw: Fiscal 2010 Budget Assumptions (EH002913-002916)

AQ) Elderhostel Insurance Policy (EH017221-017251)

AR) Elderhostel - BrandEquity Services Contract (EH016905-016918)

AS) Email exchange between Spiers, Smith, and Giller dated 05/23/2008 (Smith Ex. 3)

AT) Email from Giller to Spiers re support for inquiry into domain acquisition, dated  
12/21/2007 (Smith Ex. 4)

AU) Handwritten notes taken by Brand Equity (Smith Ex. 18)

AV) Handwritten notes taken by Brand Equity (Smith Ex. 19)

AW) Brand Equity Elderhostel Interview Schedule (Smith Ex. 20)

AX) Handwritten notes taken by Brand Equity (Smith Ex. 21)

AY) Handwritten notes taken by Brand Equity (Smith Ex. 22)

AZ) PLACEHOLDER – Exhibits from Elderhostel 30(b)(g) damages deponent

BA) PLACEHOLDER – Financial documents related to damages not yet produced by  
Elderhostel

BB) Fed. R. Evid. 1006 Summary Exhibits from EH017469

## **DEFENDANT ELDERHOSTEL'S EXHIBITS TO BE OFFERED AT TRIAL**

- BC) Email from Heverling to Bell re: Heather Gordon, dated 07/07/2008 (EH001036-001037)
- BD) Email from Lubchansky to Bell re: Target Market and List 0107, dated 02/02/2007 (EH001040)
- BE) Email from Lubchansky to Bell, dated 02/07/2007 (EH001054-001055)
- BF) Email from Kellerd to Bell re: London Position, dated 12/08/2009 (EH001318)
- BG) Email from Kellerd to Bell re: Possible Applicants, dated 09/18/2009 (EH001319)
- BH) Email from Salerni to Bell, dated 11/17/2008 (EH001321-001323)
- BI) Email from Tocili to Bell re: London Position, dated 09/17/2009 (EH001324-001325)
- BJ) Email from Tocili to Bell re: London Position, dated 09/17/2009 (EH001326)
- BK) Email from Avalo to Bell, dated 06/09/2009 (EH001330)
- BL) Email from Kellerd to Bell, dated 09/17/2009 (EH001337)
- BM) Job Description, Explorica Inc. Rest of World Operations Manager (EH001338-001339)
- BN) Email from Valentino to Bell re: Wyndham Hotels, dated 07/05/2008 (EH001363)
- BO) Email from Valentino to Bell re: Wyndham Hotels, dated 07/01/2008 (EH001364)
- BP) Email from Kellerd to Bell re: Wyndham Hotels, dated 07/03/2008 (EH001366)
- BQ) Branding Comments (EH001519-001541)
- BR) Mental Stimulation and Lifelong Learning Activities in the 55+ Population, dated 02/00/2007 (EH006546-006571)
- BS) Younger participants document beginning with letter from Joyce Crump (EH009757-009770)
- BT) Letter from Slade to Moses, dated 10/10/2007 (EH016870-016874)
- BU) Age at Departure histogram (EH017253)
- BV) USPTO Office Action re: Exploritas (EH017259-017263)
- BW) Explorient Website (EH017401)
- BX) Explora website (EH017402)

BY) Explora website (EH017403)

BZ) Explora SA mark (EH017404-017405)

CA) Explora SA website (EH017406)

CB) USPTO Explora mark (EH017407-017408)

CB) Exploradus website (EH017409)

CD) Explorations USPTO TESS Search (EH017410-017411)

CE) USPTO Explorations mark (EH017412-017413)

CF) Exploria website (EH017414)

CG) Exploriada website (EH017415)

CH) Explorica Catalog page (EH017417)

CI) Explorica Catalog page (EH017418)

CJ) Exploring America website page (EH017429)

CK) USPTO TESS search for explorerist (EH017430-017431)

CL) Explorita website page (EH017432)

CM) Exploritas catalog (EH017433)

CN) Explorize website page (EH017435)

CO) USPTO iExplore mark (EH017436-017437)

CP) iExplore website page (EH017438-017439)

CQ) Old Explorica family tours website page (EH017440)

CR) Explorica summer academy page (EH017441)

CS) Exploritas and Explorica logos (EH017442)

CT) Exploradus about us page (017453-017454)

CU) Explorient about us page (EH017455)

CW) whois.net page for exploringamerica.com (EH017456)

CX) Iexplore about us page (EH017457)

CY) USPTO Notice of Allowance for Exploritas mark, dated 09/23/2008 (EH017458-017459)

CZ) Explorica website from 01/08/2008 (EH017460)

DA) Explorica website from 07/02/2008 (EH017461-017462)

DB) Explorica website from 07/05/2007 (EH017463)

DC) Explorica website from 03/01/2008 (EH017464-017465)

DD) Explorica website from 05/02/2008 (EH017466)

DE) Explorica website from 11/01/2007 (EH017467)

DF) Explorica website from 09/06/2007 (EH017468)

DG) iExplore.com document entitled, Soros Private Equity Partners Lead \$12.5 Million Second Round Financing for iExplore, dated 04/26/2000 (EXPLORICA\_000210-000219)

DH) Presentation Session - Focus Group (EXPLORICA\_001089-001093)

DI) CANACCORD/Adams document, dated 06/08/2006 (EXPLORICA\_001364-001420)

DJ) Youth Demographics Fact Sheet, dated 11/00/2006 (EXPLORICA\_001808-001829)

DK) Intro Letter to Sheryl - People to People Pin Request (EXPLORICA\_001997)

DL) The Wagner Group Unique Selling Proposition Test prepared for Explorica, dated 03/00/2009 (EXPLORICA\_002142-002179)

DM) Email from Bourdelaise to Castanino, dated 09/26/2006 (EXPLORICA003784-003785)

DN) Email from Kellerd to DeGrandis, dated 12/04/2001 (EXPLORICA\_004149-004150)

DO) Email from Kellerd to Olsson re: Wyndham Hotels, dated 07/01/2008 (EXPLORICA\_004324-004325)

DP) Explorica Presentation to Charlesbank Capital Partners, dated 10/07/2009 (EXPLORICA\_006220-006270)

DQ) Explorica presentation to Leeds Equity Partners, dated 04/15/2009 (EXPLORICA\_006271-006322)

DR) Explorica presentation to Redwood Capital, dated 05/20/2009 (EXPLORICA\_006323-006370)

DS) Explorica Customer Database Excel Spreadsheet (EXPLORICA\_006946)

DT) Explorica group leader affiliation list (EXPLORICA\_006999)

- DU) Selected Brand Equity documents
- DV) Summary exhibits relating to Explorica's customer database
- DW) Screen shot of a Google search (EH017470)
- DX) Google Parisian Love video at <http://www.youtube.com/watch?v=nnsSUqgkDwU>
- DY) Elderhostel Customer Database (EH017469)

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Dated: February 11, 2010

### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 11, 2010.

/s/ Mark S. Puzella